

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANIEL MARTINEZ,

Plaintiff,

v.

No. CV 10-0326 BB/GBW

N.M. DEPT. OF HEALTH, et al.,

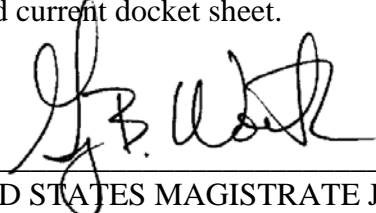
Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court on Plaintiff's filing (Doc. 6) in response to the order (Doc. 5) that granted him leave to proceed in forma pauperis and required an initial partial filing fee payment of \$16.00. *See* 28 U.S.C. § 1915(b)(1). Attachments to Plaintiff's motion for leave to proceed in forma pauperis indicated substantial deposits and a balance in his inmate account. He has not made a payment, and his response indicates his income has been reduced. There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation. *See Shabazz v. Parsons*, 127 F.3d 1246, 1248-49 (10th Cir. 1997); *and see Baker v. Suthers*, 9 F. App'x 947, 950 (10th Cir. 2001) (affirming dismissal for failure to make initial partial payment or show cause for excusing the failure). Failure to comply with this order may result in dismissal of Plaintiff's complaint without further notice.

IT IS THEREFORE ORDERED that, within twenty-one (21) days from entry of this order, Plaintiff make the previously ordered payment or show cause why the payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to send Plaintiff a form of post-filing financial certificate, with copies of his complaint and current docket sheet.

A handwritten signature in black ink, appearing to read "J. B. Work", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE